

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DELUX PUBLIC CHARTER, LLC d/b/a JSX
AIR, *et al*,

Plaintiffs,

- against -

COUNTY OF WESTCHESTER, *et al*,

Defendants.

Civil Action No. 7:22-CV-01930-PMH

MOTION PURSUANT TO RULE 21

Pursuant to Federal Rules of Civil Procedure Rule 21, Defendants Avports LLC (“Avports”) and April Gasparri (“Ms. Gasparri”) respectfully move that they be dismissed from this case.

1. Plaintiffs at in the first paragraph of their Complaint reference Defendant April Gasparri as “in her official capacity as Airport Manager” and in ¶ 2 describe Avports as “a private company that provides airport facilities management, operations, airline services, administration, accounting, and noise abatement on behalf of HPN” (“HPN” being their reference and the IATA Code for Westchester County Airport).

2. Defendant County of Westchester in their counsel, David Chen’s, letter to this Court of March 9, 2022 further confirms and asserts, “Moreover, although this Office does not represent defendant Avports or Ms. Gasparri, Plaintiffs are correct that they are both merely agents of the County in this matter; Westchester’s position is that their attendance at any hearing (and indeed, their presence on the docket) is unnecessary.

3. In light of the above, Avports and Ms. Gasparri submit that they are not properly joined in this case.

Thus, pursuant to Federal Rules of Civil Procedure Rule 21, Avports and Ms. Gasparri respectfully move that they be dismissed from this case.

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Dated: March 10, 2022

Respectfully submitted,

/s/ BRIAN E. FOONT
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